

Opinion of the Court.

a denial by the State of due process of law or of some right secured to the plaintiff in error by the Constitution of the United States, a proposition not open to discussion upon the record before us. In our judgment, the decision of the Supreme Court of California, that he should be punished under the law as it existed at the time of the commission of the crime of which he was convicted, involved no Federal question whatever.

It may be added that McNulty was proceeded against by information, and by three of the twenty-two assignments of error the legality of so proceeding is questioned, and it is also claimed that the judgment was erroneous because it did not appear from the record that McNulty had had a legal or any examination before the filing of the information, or had been lawfully or at all committed by any magistrate.

It was settled in *Hurtado v California*, 110 U. S. 516, that the words "due process of law" in the Fourteenth Amendment do not necessarily require an indictment by a grand jury in a prosecution by a State for murder, whose constitution authorizes such prosecution by information, and no point appears to have been made or decided in the state court as to the previous examination and commitment. So far as the record shows, no right, privilege, or immunity in respect of these matters was set up or claimed and denied, as required by section 709 of the Revised Statutes. *Spies v Illinois*, 123 U. S. 131.

We perceive no ground upon which this writ of error can be sustained. *In re Kemmler*, 136 U. S. 436; *Caldwell v Texas*, 137 U. S. 692; *Leeper v Texas*, 139 U. S. 462.

Writ of error dismissed.

VINCENT v. CALIFORNIA. Error to the Supreme Court of the State of California. No. 1316. Submitted May 1, 1893. Decided May 15, 1893. This case, which will be found reported in 95 California, 425, differs in no essential respect from that of McNulty, just considered. For the reasons given in the foregoing opinion, the writ of error must be

Dismissed.

Opinion of the Court.

Mr William H. H. Hart, Attorney General of the State of California, for the motion to dismiss.

Mr. Carroll Cook opposing.

SHUTE v. KEYSER.

APPEAL FROM THE SUPREME COURT OF THE TERRITORY OF
ARIZONA.

No. 1187. Submitted May 1, 1893. — Decided May 15, 1893.

An appeal or writ of error lies to this court from the judgments or decrees of the Supreme Courts of the Territories, except in cases where the judgments of the Circuit Courts of Appeal are made final.

THIS was a motion to dismiss. The case is stated in the opinion.

Mr R. F. Brent for the motion.

Mr William Allen Butler and *Mr John Notman* opposing.

MR. CHIEF JUSTICE FULLER delivered the opinion of the court.

This was an action brought in the district court of Gila County, Arizona, by William Keyser against George E. Shute, sheriff of that county, and certain judgment creditors of the Old Dominion Copper Mining Company, to enjoin the threatened sale, under an execution against that company, of mining property of which Keyser claimed to be the owner, which resulted in a decree in favor of Keyser according to the prayer of the complaint. The case was carried by appeal to the Supreme Court of the Territory and the judgment affirmed, whereupon an appeal to this court was allowed, and the case